HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 134 of 2006 (SS)

Chandra Singh Negi s/o Sri Chola Singh Negi
R/o Rukma Bhwan, 14, Bigha, Rishikesh..... Petitioner

Versus

1. General Manager, Uttaranchal Power Corporation, Dehradun
2. Deputy General Manager, Uttaranchal Power Corporation, Srinagar Garhwal
3. Executive Engineer, Electrical Supply Division Muni ki Reti, District Tehri Garhwal Respondents

Sri J.P. Joshi, Advocate for the petitioner
Sri B.D. Upadhyay, Advocate for the respondents.

Dated: February 15, 2006

Hon'ble Rajesh Tandon J.

Heard Sri J.P. Joshi, counsel for the petitioner and Sri B.D. Upadhyay counsel for the respondent. Both the parties have agreed that the case be finally disposed of at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to pay pension to the petitioner along with arrears of pension from 1st December 2004.

The petitioner has submitted that he was appointed on 9.5.1962 against the substantive post of peon and he retired from the service on 30.11.2004. The petitioner has completed all necessary formalities regarding pensionary benefits and his

pension papers were sent to the Deputy Genral account, Anchlik Account Office, 120 Haridwar Road, Dehradun. The Executive Engineer also wrote a letter to the Director, Human Resources, Uttaranchal Power Corporation, Urja Bhawan Kanwali Road, Dehradun on 22.11.2005 but so far pension and other retiral benefits have not been granted to the petitioner.

It has been held in State of Kerala and other Vs. M. Padmanabhan Nair, 1985 (1) S.C.C. 429, by the Hon'ble Supreme Court that pension is a valuable right.and property and the petitioner has a right to claim by virtue of the continuous services rendered by him. The observations of the Apex Court are quoted below:-

"Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment."

The aforesaid judgment of the Apex Court has also been followed in Dr. Uma Agarwal Vs. State of U.P. & another JT 1999 (2) SC 359 and it has been held as under: -

"Now-a-days, several writ petitions are being filed in this court and various High Courts seeking relief for disbursement, of retrial benefits, because of inordinate delays in payment of

these benefits. As Krishna Iyer J. stated in State of Mysore Vs. C.R. Sheshadri & others (1974(4) S.C.C. 308), a retired government official is sensitive to delay in drawing monetary benefits. And to avoid posthumous satisfaction of the pecuniary expectation of the superannuated public servant-not unusual in government, it is becoming necessary to issue directions, in several cases, for early payment of these dues. In yet another case in State of Kerala and others Vs. M. Padmanabhan Nair (1985 (1) SCC 429 this court had occasion to point out that usually 'the delay occurs by reason of non-production of the L.P.C. (Usually the delay occurs by reason of non-production of the L.P.C. (last pay certificate) and the N.L.C. (no liability certificate) from the concerned Departments but both these documents pertain to matters, records whereof would be with the concerned Government Departments. Since the date of retirement of every Government servant is very much known in advance we fail to appreciate why the process of collecting the requisite information and issuance of these two documents should not be completed at least a week before the date of retirement so that the payment of gratuity amount could be made to the Government servant on the date he retires or on the following day and pension at the expiry of the following month. The necessity for prompt payment of the retirement dues to a Government servant immediately after his retirement cannot be over-emphasised and it would not be unreasonable to direct that the liability to pay penal interest on these dues at the current market rate should commence at the expiry of two months from the date of retirement."

In view of the above, a writ of mandamus is issued directing the respondents to release pension and other retrial dues to the petitioner within two months after the receipt of the certified copy of this order.

Accordingly the writ petition is allowed. No order as to costs.

Dated: 15.2.2006 **Rajesh Tandon J.**

*Dhyani